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Attorneys for Defendants
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GYRUS MEDICAL, INC.
GYRUS ACMI, L.P.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

PERFECT SURGICAL TECHNIQUES,
INC.,

Plaintiff,

v.

OLYMPUS AMERICA INC., GYRUS
MEDICAL, INC., AND GYRUS ACMI,
L.P.,

Defendants.

Case No. 4:12-cv-05967 PJH

**JOINT STIPULATION REGARDING
PROPOSED SCHEDULE AND ORDER**

DEMAND FOR JURY TRIAL

Pursuant to the Court's March 8, 2013 Minute Entry: Initial Case Management Conference (Dkt. No. 45), the Parties to the above-titled action submit this joint stipulation amending Sections 5 and 17 of their Joint Case Management Statement (Dkt. No. 43).

5. Amendment of Pleadings, Addition of Parties, Etc.

The Parties agree that the last day to amend pleadings or add parties pursuant to Fed. R. Civ. P. 15(a) will be 90 days before close of fact discovery. Both Parties agree that the Parties may amend the pleadings only upon a showing of good cause after the deadline to amend the pleadings has passed.

17. Scheduling

The Parties submit the following proposed schedule:

Event	Date per rule or order	Agreed Dates
Rule 26(a)(1) Initial Disclosures		March 15, 2013
Pat. L.R. 3-1. Disclosure of Asserted Claims and Infringement Contentions	Not later than 14 days after the Initial Case Management Conference	March 22, 2013
Pat. L.R. 3-2. Document Production Accompanying Disclosure		
Pat. L.R. 3-3. Invalidity Contentions	Not later than 45 days after service upon it of the "Disclosure of Asserted Claims and Infringement Contentions"	May 10, 2013
Pat. L.R. 3-4. Document Production Accompanying Invalidity Contentions.		
Pat. L.R. 4-1. Exchange of Proposed Terms for Construction.	Not later than 14 days after service of the "Invalidity Contentions" pursuant to Patent L.R. 3-3	May 22, 2013
Deadline to complete Early Neutral Evaluation (proposed by Defendants)		May 24, 2013
Mediation (remove only by agreement of all parties)		June 7, 2013
Deadline for Parties to submit joint statement regarding status of ADR, and to inform the court whether issues have		None

Event	Date per rule or order	Agreed Dates
been narrowed		
Pat. L.R. 4-2. Exchange of Preliminary Claim Constructions and Extrinsic Evidence.	Not later than 21 days after the exchange of the lists pursuant to Patent L.R. 4-1	June 28, 2013 (except expert disclosures) July 12, 2013 (expert disclosures – including, which terms will be opined on and a good-faith description of the substance of the expert’s testimony)
Last day to join parties or amend pleadings		TBD - 90 days before close of fact discovery
Pat. L.R. 4-3. Joint Claim Construction and Prehearing Statement.	Not later than 60 days after service of the “Invalidity Contentions,”	July 19, 2013
Pat. L.R. 4-4. Completion of Claim Construction Discovery (including depositions of experts who submitted declarations in support of claim construction positions)	Not later than 30 days after service and filing of the Joint Claim Construction and Prehearing Statement,	Delayed until reply brief deadline. Expert declarations, if any, are to be filed with PST’s opening brief or Defendants’ responsive brief. The parties agree to make any expert available for deposition the week after the expert’s declaration is filed.
Pat. L.R. 4-5(a). Claim Construction Briefs – opening brief	Not later than 45 days after serving and filing the Joint Claim Construction and Prehearing Statement	Aug. 2, 2013 (including any expert declaration)
Pat. L.R. 4-5(b). Claim Construction Briefs – responsive brief	Not later than 14 days after service of an opening brief	Aug. 23, 2013 (including any expert declaration)
Pat. L.R. 4-5(c). Claim Construction Briefs – reply brief	Not later than 7 days after service of a responsive brief	Sept. 6, 2013 (including any rebuttal expert declaration to the extent the responsive expert declaration includes new or undisclosed opinions)
Technology Tutorial	Per Judge Hamilton’s Standing Order for Patent Cases	Sept. 13, 2013, or other such day that is convenient for the Court.
Pat. L.R. 4-6. Claim Construction Hearing.	Subject to the convenience of the Court’s calendar, two weeks following submission of the reply brief specified in Patent L.R. 4-5(c)	September 25, 2013 or other such day that is convenient for the Court.

1 Dated: March 12, 2013

Respectfully submitted,

2 FREITAS TSENG & KAUFMAN LLP

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16 Dated: March 12, 2013

Respectfully submitted,

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3/15/13



ATTESTATION OF CONCURRENCE

I, Qudus B. Olaniran, am the ECF User whose ID and password are being used to file this Joint Stipulation Regarding Proposed Schedule. I attest that, pursuant to United States District Court, Northern District of California Civil L.R. 5-1(i)(3) and General Order 45, concurrence in the filing of this document has been obtained from Counsel for Defendants Olympus America, Inc., Gyrus Medical, Inc. and Gyrus ACMI L.P.. I declare under penalty of perjury that the foregoing is true and correct.

Date: March 12, 2013

/s/ Qudus B. Olaniran
Qudus B. Olaniran